

Application No. 10/519,272
Paper Dated: February 12, 2009
In Reply to USPTO Correspondence of November 12, 2008
Attorney Docket No. 0470-048035

REMARKS

The Office Action of November 12, 2008 has been reviewed and the Examiner's comments have been carefully considered. Claims 20-35 are pending in the application, with claims 20, 22, 23, and 27 having been amended.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 22, 23, and 27 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, claim 22 has been rejected as reciting the phrase "thread-like." Applicant has amended claim 22 to replace the phrase "thread-like" with "threaded." Claim 23 has been rejected as reciting the phrase "bayonet-like." Applicant has amended claim 23 to replace the phrase "bayonet-like" with "bayonet." Finally, claim 27 has been rejected as including the parenthetical phrase "(adjustment) bolt." Applicant has amended claim 27 to replace the phrase "(adjustment) bolt" with "adjustment bolt."

In view of the above-amendments, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Double Patenting

Applicant will submit a proper Terminal Disclaimer to United States Application No. 10/519,273 upon disposition of the co-pending application and indication of allowable subject matter in the present application.

Rejections Under 35 U.S.C. § 102(b)

Claims 20-22, 24-25, 27-28, 32-33, and 35 are rejected under 35 U.S.C. § 102(b) as being anticipated in view of United States Patent No. 4,074,499 to Mess (hereinafter "Mess").

Applicant has amended independent claim 1 to recite, *inter alia*, "a supporting surface and is self-supporting, is secured against said formwork and is removed by pulling out the core together with said body from said concrete, wherein said supporting surface is at a first extremity of said body and said projection is provided at a second opposite extremity of said body." Support for this amendment can be found in the specification, for example, on page 9, lines 29-32 and in the figures.

Applicant respectfully submits that Mess does not disclose use of a core. Mess discloses an elastomer body (25) is entered into item (11), shown in Fig. 1 of Mess, by pushing

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a rod (30) in an upwards direction against the solid stem 22, as described in Col. 4, line 57 of Mess. Subsequently, rod (30) is removed and pouring of the concrete takes place. A pulling force is exerted on solid stem (22) of the elastomeric material and the body (25) is removed, as discussed in Col. 5, line 40. Accordingly, Mess does not disclose or suggest a core that is removed together with the elastomeric body as recited in Applicant's amended independent claim 20. Claims 21-22, 24-25, 27-28, 32-33, and 35 depend directly or indirectly from independent claim 20 and are believed patentable for the reasons stated herein. Reconsideration and withdrawal of the rejection of claims 20-22, 24-25, 27-28, 32-33, and 35 under 35 U.S.C. § 102(b) is respectfully requested.

Claims 20, 24, 29-32, and 35 are rejected under 35 U.S.C. § 102(b) as being anticipated in view of S.T.U.P. Belgium Patent No. 502,991 (hereinafter "S.T.U.P."). S.T.U.P. does not disclose or suggest the placement of any item in the concrete to be poured. Accordingly, S.T.U.P. does not disclose or suggest a method of arranging engagement means in a concrete part, as recited by Applicant's amended independent claim 20. Furthermore, S.T.U.P. does not disclose or suggest a relatively rigid core, as recited by amended independent claim 20, nor does S.T.U.P. disclose or suggest removal of the core together with the elastomeric body as recited in Applicant's amended independent claim 20. Claims 24, 29-32, and 35 depend directly or indirectly from independent claim 20 and are believed patentable for the reasons stated herein. Reconsideration and withdrawal of the rejection of claims 20, 24, 29-32, and 35 under 35 U.S.C. § 102(b) is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claim 23 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over S.T.U.P. in view of U.S. Patent No. 4,018,470 to Tye (hereinafter "Tye"). Claim 26 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Mess in view of S.T.U.P. Claim 28 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Mess in view of the machine translation of German Patent No. DE 4324522 (hereinafter "Krauss"). Claim 34 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Mess in view of U.S. Patent No. 5,660,020 to Reay (hereinafter "Reay"). Claim 34 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over S.T.U.P. in view of Reay.

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Claims 23, 26, 28, and 34 depend directly or indirectly from independent claim 20. None of Tye, Krauss, or Reay rectifies the deficiencies of Mess or S.T.U.P. taken alone or in combination, i.e., none of the cited references discloses or suggests a supporting surface that is self-supporting, is secured against the formwork and is removed by pulling out the core together with said body from said concrete, wherein the supporting surface is at a first extremity of the body and the projection is provided at a second opposite extremity of the body. Reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are respectfully requested.

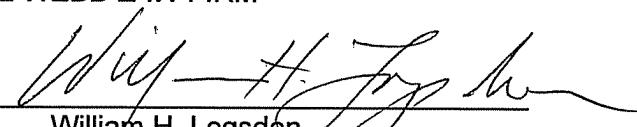
SUMMARY

Applicant respectfully submits that the pending claims are patentable over Mess, S.T.U.P., Tye, Krauss, and Reay, alone or in combination. Accordingly, entry of this Amendment, reconsideration and withdrawal of the rejections, and allowance of all pending claims are respectfully requested.

Respectfully submitted,

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